

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Status of the Claims

Claims 1-8 are pending. At the outset, the indication of allowability of these claims is acknowledged with appreciate.

Claims 1, 5 and 8 are amended. Claims 1, 5 and 8 have been amended to specify that the reference value “is based on a brightness of bright points based on image data of an anterior ocular segment at a time of alignment.” Support for this amendment made be found throughout the application as originally filed, including for example at page 14, lines 11-14. These amendments are not made for any substantial reason related to patentability (§§102, 103). No new matter is introduced by these amendments. Entry is respectfully requested.

Claim Rejections

Claim 1-5 and 7-8 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully submits that independent claims 1, 5 and 8 presented hereinabove comply with the written description requirement of Section 112. Withdrawal of the rejection under §112 is respectfully requested.

Additionally, the Office Action at ¶5 suggests that the “conversion formula” referred to on page 14, lines 15-17 of the specification is not specified and the method of such a conversion is not described.

Applicant respectfully submits a specific formula and conversion method for determining the reference value (and error level, warning level) is not required. Any method of

calculating or changing the reference value is permitted, as would be understood by one of ordinary skill in the art upon reading Applicant's specification.

The Office Action indicated Claims 1-8 would be allowable if rewritten or amended to overcome the rejection(s) under §112, first paragraph (Office Action ¶9), Applicant respectfully submits that amendments to independent claims 1, 5 and 8 presented hereinabove overcome or otherwise render moot the Examiner's rejections. Withdrawal of the rejection under §112 is respectfully requested and the amended independent claims are in condition for allowance.

Dependent Claims

Applicant has not specifically addressed the rejections of the dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

Accordingly, for at least the stated reasons, the independent claims, and the claims depending therefrom, are believed to be allowable.

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Paper dated May 8, 2006
Reply to Office Action dated December 8, 2005


CONCLUSION

For at least the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5178.

Respectfully submitted,
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